the corporation, and George E. Nicholas and Virgil L. Haag, pharmacists for the corporation.

ALLEGED VIOLATION: On or about February 21, 26, 28, and 29, 1952, while a number of *dextro-amphetamine sulfate tablets, conjugated estrogens (equine) tablets, methyltestosterone linguets,* and *phenobarbital tablets* were being held for sale at Black's Prescription Shop, Inc., after shipment in interstate commerce, various quantities of the drugs were repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

Black's Prescription Shop, Inc., and Lorren R. Black were charged with causing the acts of repacking and dispensing in each of the 6 counts of the information; George E. Nicholas was joined as a defendant in counts 1, 2, and 5; and Virgil L. Haag was joined as a defendant in counts 3, 4, and 6.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Misbranding, Section 502 (b) (1), the repackaged *methyltestosterone linguets* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. Further misbranding, Section 502 (d), the *phenobarbital tablets* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of such tablets failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming." Further misbranding, Section 502 (e) (2), the labels of the *dextro-amphetamine sulfate tablets, conjugated estrogens (equine) tablets,* and *methyltestosterone linguets* failed to bear the common or usual name of each active ingredient of the drugs.

DISPOSITION: May 22, 1953. The defendants having entered pleas of nolo contendere, the court fined the corporation $60, plus costs, Defendant Black $60, and Defendants George E. Nicholas and Virgil L. Haag $30 each.

4144. Misbranding of Dexedrine Sulfate tablets and Nembutal Sodium capsules. U. S. v. Guilford Drug Co., David Stang, William S. Stang, and James P. Norman. Pleas of not guilty. Tried to the court. Verdict of guilty. Fine of $1,500, plus costs, against company; imposition of sentence against individual defendants suspended and individuals placed on probation for 18 months. (F. D. C. No. 34809. Sample Nos. 978–L, 1585–L, 2100–L, 2101–L.)

INFORMATION FILED: March 31, 1953, Middle District of North Carolina, against the Guilford Drug Co., a partnership, Greensboro, N. C., and against William S. Stang and David Stang, partners in the partnership, and James P. Norman, a pharmacist for the partnership.

ALLEGED VIOLATION: On or about December 26, 1951, and February 26 and 29 and March 3, 1952, while a number of *Dexedrine Sulfate tablets* and *Nembutal Sodium capsules* were being held for sale at the Guilford Drug Co., after shipment in interstate commerce, various quantities of such drugs were repacked and dispensed without a prescription, which acts resulted in the repackaged drugs being misbranded.

The Guilford Drug Co. was charged with causing the acts of repacking and dispensing in each of the 4 counts of the information, and William S. Stang

was joined as a defendant in count 1, David Stang in count 2, and James P. Norman in the remaining 2 counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the repackaged *Nembutal Sodium capsules* contained pentobarbital sodium, a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: A motion for dismissal of the information was filed by the defendants, but later it was denied. The case came on for trial before the court on July 15, 1953, upon the defendants' pleas of not guilty, and at the conclusion of the testimony, the court returned a verdict of guilty. The court fined the partnership $1,500, plus costs, suspended the imposition of sentence against the individual defendants, and placed the individual defendants on probation for 18 months.

4145. Misbranding of penicillin G potassium tablets and sulfadiazine tablets. U. S. v. Theodore M. Douglas and William H. Evans. Pleas of nolo contendere. Fine of $50 against Defendant Douglas and $100 against Defendant Evans, plus costs. (F. D. C. No. 33844. Sample Nos. 33535–L, 33550–L, 33562–L.)

INFORMATION FILED: February 18, 1953, Northern District of Illinois, against Theodore M. Douglas, a pharmacist, and William H. Evans, an employee of the Star Drug Store, at Chicago, Ill.

ALLEGED VIOLATION: On or about October 4 and 18, 1951, while a number of *penicillin G potassium tablets* were being held for sale at the Star Drug Store, after shipment in interstate commerce, each defendant caused a number of such tablets to be dispensed in the original containers in which the tablets had been shipped in interstate commerce, without the prescription of a physician, which acts resulted in the tablets being misbranded; and, on or about October 20, 1951, while a number of *sulfadiazine tablets* were being held for sale at the Star Drug Store, after shipment in interstate commerce, Defendant Evans caused a number of such tablets to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged tablets being misbranded.

NATURE OF CHARGE: *Penicillin G potassium tablets.* Misbranding, Section 502 (f) (1), the labeling of the tablets failed to bear adequate directions for use. (The containers in which the tablets were shipped in interstate commerce bore no directions for use since they were exempt from such requirement by the label statement "Caution: To be dispensed only by or on the prescription of a physician." The act of the defendants in dispensing the tablets without a physician's prescription, however, caused the exemption to expire.)

Sulfadiazine tablets. Misbranding, Section 502 (b) (1) and (2), the repackaged tablets failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 502 (e) (1), the repackaged tablets failed to bear a label containing the common or usual name of the drug;